

REMARKS

I. Introduction

This paper is filed in response to the final Office Action mailed May 29, 2009. A Request for Continued Examination and a Petition for Extension of time, along with the associated fees for both, are filed with this paper. An Applicant Initiated Interview Request Form is also submitted with this paper.

The status of the claims is as follows:

- Claims 3, 15-16, and 18 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Patent No. 6,539,387 to Oren, *et al.*;
- Claims 4-7, 14, and 19-20 stand rejected under 35 U.S.C. § 103(a) as being allegedly obvious over Oren in view of U.S. Pub. No. 2001/0047358 to Flinn, *et al.*;
- Claims 8-11 stand rejected under 35 U.S.C. § 103(a) as being allegedly obvious over Oren in view of Flinn and U.S. Patent No. 6,714,215 to Flora, *et al.*; and
- Claims 12-13 stand rejected under 35 U.S.C. § 103(a) as being allegedly obvious over Oren in view of Flinn, Flora, and U.S. Patent No. 5,761,436 to Nielsen.

Although the Applicant disagrees respectfully with the rejections, independent claims 3 and 15 are amended to include, among other features, the features from claim 4 and independent claim 18 is amended to include, among other features, the features

from claim 19. Dependent claims 5-8, 14, and 20 are also amended. Claims 4, 16, and 19 are cancelled. After entry of the amendments, claims 3, 5-15, 18, and 20 are pending.

Applicant submits that the pending claims are patentable in view of the art of record, as explained below. A Notice of Allowance indicating the pending claims are allowable is requested respectfully after consideration of the following remarks.

II. Claims 3, 15, and 18

The Applicant submits that the rejection of claims 3, 15-16, and 18 under Section 102(e) is rendered moot in view of the amendments to claims 3, 15, and 18 with the features from previously pending claims 4 and 19, in addition to other features, and the cancellation of claim 16. Specifically, claim 3 is amended to require:

“establishing a user-executable navigation link from at least one sub-portion of the database to a second sub-portion of the database, the user-executable navigation link permitting a user to navigate from the at least one sub-portion to the second sub-portion, the second sub-portion being non-sequential to the at least one sub-portion; and recording an address in the database of each sub-portion from which the user-executable navigation link is made to allow a user to return to the sub-portion from which the navigation link is made.”

Claims 15 and 18 are amended to require similar features. Examples of support for these amendments can found be in previously pending claims 4 and 19 and in Figure 2.

Furthermore, Applicant traverses respectfully, as explained below, the rejection under Section 103(a) in view of a combination of Oren and Flinn of the

features of claims 4 and 19, now in the independent claims. Accordingly, allowance of claims 3, 15 and 18 is requested kindly.

To establish *prima facie* obviousness, the Office Action must show, based on evidence of record, that the cited references disclose or suggest each claimed element and that it would have been obvious to combine teachings in the references to arrive at the claimed invention. (See MPEP §§ 2141 and 2143; *KSR Int'l Co. v. Teleflex, Inc.*, 550 US 338, 82 U.S.P.Q.2d at 1395-96.) This showing requires Examiners to determine whether there was an apparent reason to combine elements in references and to articulate that reason. (See *KSR Int'l Co. v. Teleflex, Inc.* 82 U.S.P.Q.2d at 1596 (citing *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006).)

Applicant submits that amended claims 3, 15, and 18 are unobvious in view of the teachings of Oren and Flinn at least because (A) the combination of reference teachings, even if a reason for combination existed, fails to disclose the claimed invention; and (B) the Office Action failed to articulate a reason for combining reference teachings to establish *prima facie* obviousness.

A. The Combination Fails to Teach or Suggest the Claims

Amended claims 3, 15, and 18 are directed, in general, to providing a data structure that allows for attention-efficient reading modeled on a conversation about a particular topic. The data structure and navigation links allow an author to structure content to enable a reading experience where the level of detail on a particular topic can be controlled by a user following linear, sequential navigation links along sub-

portions of a particular portion of a database. Modeling a conversation between two people, the claimed invention also permits the user to digress to a sub-portion of another portion of the database to obtain further information on a related topic and then return to the initial sub-portion – the point in the original “line of thought” – from which the digression occurred. These digression/regression features in amended claims 3, 15, and 18 provide highly structured navigation links between non-sequential sub-portions of the database, in addition to links between a sub-portion and a subsequent sub-portion within a portion. Oren and Flinn fail to disclose such features.

Specifically, the combination of Oren and Flinn clearly fails to disclose or suggest “establishing a user-executable navigation link from at least one sub-portion of the database to a second sub-portion of the database, the user-executable navigation link permitting a user to navigate from the at least one sub-portion to the second sub-portion, the second sub-portion being non-sequential to the at least one sub-portion,” as in claim 3, and similar features in claims 15 and 18.

Oren discloses pages organized in a hierarchical fashion where “each page is assigned to a level in the hierarchy and connections or links are made between pages at one level and related pages at other levels.” Oren, col. 7, lines 9-12; Figure 2. The connections or links in Oren fail to include both a link between a sub-portion and a subsequent sub-portion and a navigation link to permit a user to navigate from one sub-portion to a second sub-portion that is non-sequential to the one sub-portion.

Specifically, the Applicant submits that Oren fails to disclose these features even assuming that a chapter in Oren is “a portion” and a subchapter or page in Oren is “a sub-portion” as claimed, which the Applicant does not concede. Even with these assumptions, Figure 2 from Oren clearly shows that each chapter is associated with subchapters through connections or links and that, while a subchapter can be associated with two or more chapters, all such connections or links are sequential. Accordingly, Oren fails to provide a navigation link permitting a user to navigate from at least one sub-portion to a second sub-portion that is non-sequential to the at least one sub-portion. Flinn fails to cure this deficiency and the Office Action did not rely on Flinn for these features.

Moreover, the combination of Oren and Flinn fails to disclose or suggest “recording an address in the database of each sub-portion from which the user-executable navigation link is made to allow a user to return to the sub-portion from which the navigation link is made,” as in claim 3, and similar features in claims 15 and 18.

First, the Applicant submits respectfully that the Office Action incorrectly interpreted Oren as disclosing: “returning a user to the sub-portion from which the navigation link is made.” The Applicant has reviewed the portion cited by the Office Action to support its proposition, but can find no disclosure that relates to “returning a user to the sub-portion from which the navigation link is made.” At least because the Office Action failed to establish that Oren discloses “returning a user to the sub-

portion from which the navigation link is made,” the Office Action failed to establish *prima facie* obviousness.

Second, the Applicant submits respectfully that the Office Action incorrectly interpreted Flinn as disclosing “recording an address in the database of each sub-portion from which the user-executable navigation link is made.” Flinn discloses content object 34c that may be a memory address and that supplies a pointer to information. Flinn, ¶ [0044]. The pointer merely provides information on the source of the information or the information itself. *Id.* at ¶ [0043]. Flinn clearly does not provide such pointers for navigation within a database structure.

At least because the combination of Oren and Flinn, even if combinable, fail to disclose or suggest these features in claims 3, 15, and 18, these claims are patentable. Withdrawal of the rejections and allowance of claims 3, 15, and 18 is kindly requested.

B. Failure to Articulate a Reason for Combining Oren with Flinn

Claims 3, 15, and 19 are also patentable because the Office failed to establish *prima facie* obviousness because the Office Action failed to articulate a reason to combine Oren with Flinn and to support such reason with findings of fact based on evidence of record. *See KSR Int’l Co. v. Teleflex, Inc.*, 550 U.S. 338, 82 U.S.P.Q.2d 1385, 1396 (2007). Specifically, the Office must make the requisite factual findings based on evidence of record and explain its reasoning by which the findings are

deemed to support the Office's conclusion. *See In re Lee*, 277 F.3d 1338, 1344 (Fed. Cir. 2002).

The Office Action stated that “[i]t would have been obvious to a person with ordinary skills in the art at the time of the invention to incorporate the teachings of Flinn with the teachings of Oren **for the purpose of managing information encapsulates the information as objects by facilitating the relationship between the objects** ([Abstract] of Flinn).” Office Action, p. 10 (emphasis added).

However, Oren does not relate to “objects” and does not even mention “objects” or encapsulating information as “objects.” Flinn encapsulates information as objects. The statement that the Office provided to support combining Oren and Flinn merely provides a reason for practicing Flinn. It does not provide any reason for one of skill in the art to combine reference teachings.

Furthermore, the Office Action failed to explain how one would have incorporated teachings from Flinn into the teachings of Oren. Oren discloses pages organized in a hierarchical fashion where “each page is assigned to a level in the hierarchy and connections or links are made between pages at one level and related pages at other levels.” Oren, col. 7, lines 9-12; Figure 2. Respectfully, the Applicant requests that the Examiner consider how one of skill in the art would have modified the teachings of Oren to include pointers without rendering Oren unsatisfactory for its intended purpose and in view of the evidence that Oren has no need for pointers because it uses connections or links between pages.

Because the Office Action failed to articulate a reason why one of skill in the art would have included teachings from Flinn with teachings from Oren, and no such reason exists, Applicants submit that claims 3, 15, and 18 are patentable. Withdrawal of the rejection and allowance of claims 3, 15, and 18 is requested.

III. Claims 5-7, 14, and 20

Claims 5-7 and 14 depend from and further limit claim 3. Claim 20 depends from and further limits claim 18. Reasons for allowing claims 3 and 18 are provided above. For at least those same reasons, the Applicant submits that claims 5-7, 14, and 20 are patentable. Withdrawal of the rejection and allowance of these claims is requested kindly.

Applicant submits respectfully that claims 5-7, 14, and 20 are patentable at least because the Office Action failed to articulate any reason why one of skilled in the art would have combined teachings of Flinn with those of Oren for each of claims 5-7, 14, and 20, and therefore failed to establish *prima facie* obviousness.

IV. Claims 8-11

Claims 8-11 depend from and further limit claim 3. Reasons for allowing claim 3 are provided above. For at least those same reasons, the Applicant submits claims 8-11 are patentable. Withdrawal of the rejection and allowance of these claims is requested kindly.

V. Claims 12-13

Claims 12-13 depend from and further limit claim 3. Reasons for allowing claim 3 are provided above. For at least those same reasons, the Applicant submits claims 12-13 are patentable. Withdrawal of the rejection and allowance of these claims is requested kindly.

CONCLUSION

The undersigned submits respectfully that all pending claims are in a condition for allowance. If any additional fees are due for this application, the fees may be charged to Deposit Account number 11-0855. If there are any matters that can be addressed by telephone, the Examiner is urged to contact the undersigned attorney at 404 745-2520.

Respectfully submitted,

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